

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

Claims 10-13 were amended. Accordingly, claims 1-20 remain pending.

Claim Rejections - 35 U.S.C. § 112

Claims 10-13 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claim 10 has been amended to read "at least one layer" in line 9, thereby removing "said aluminum layer" which lacked antecedent basis.

Claim 11 has been amended to recite "an aluminum layer" in line 2, thereby providing proper antecedent basis for "said aluminum layer" elsewhere in claim 11.

Claim 12 has been amended to recite "at least one layer" thereby receiving proper antecedent basis from claim 10.

Claim 13 has been amended to recite "at least one layer" in line 3, thereby receiving proper antecedent basis from claim 10.

Applicants contend in light of the foregoing amendments, the rejections under 35 U.S.C. §112 are now moot. Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §112.

Claim Rejections - 35 U.S.C. §102

Claim 7 was rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,441,943 to Roberts et al. (Roberts).

The Applicant respectfully submits the attached Declaration of Inventor, Richard K. McMillan, under 37 C.F.R. §1.131 which evidences the conception of the claimed invention prior to October 22, 1999 (the 102(e) date of the Roberts reference) and diligence from a date prior to October 22, 1999 to a reduction to practice of the claimed invention. In view of the Declaration, Applicant respectfully submits that the Roberts reference does not qualify as prior art under 35 U.S.C. §102 and, therefore, cannot form the basis for rejection. Accordingly, the Applicant respectfully requests that the Examiner withdraw the rejections under 35 U.S.C. §102(e).

Claim Rejections - 35 U.S.C. §103

Claims 1-6, 8-9, and 14-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Roberts et al. (Roberts) in view of U.S. Patent No. 6,331,063 to Kamada et al. (Kamada).

With regard to claims 1-6, 8-9, and 14-20, Applicant submits that Roberts is not prior art under 35 U.S.C. §102 and, therefore, cannot form a basis of rejection under 35 U.S.C. §103(a). Kamada by itself does not teach or suggest all of the elements as provided by claims 1-6, 8-9, and 14-20. Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §103.

Claims 10-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Roberts in view of U.S. Patent No. 6,362,083 to Mueller-Fiedler et al. (Muller-Fiedler).


With regard to claims 10-13, Applicant submits that Roberts is not prior art under 35 U.S.C. §102 and, therefore, cannot form a basis for rejection under 35 U.S.C. §103(a). Muller-Fiedler by itself does not teach or suggest all of the elements as provided by claims 10-13. Accordingly, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §103.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

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